

ORDINANCE NO. 2009-O-100

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE REQUIRING PERMITS FOR BUSINESSES LOADING OR UNLOADING EIGHT OR MORE PASSENGERS; PROVIDING FOR A CLASS C MISDEMEANOR OFFENSE AND PENALTY OF UP TO \$500 PER VIOLATION; SEVERANCE; EFFECTIVE DATE; AND PUBLIC NOTICE AND MEETING REQUIREMENTS

WHEREAS, the loading and unloading of passengers on public roadways within the Village presents a danger that threatens the public's health, safety, and welfare; and

WHEREAS, the Village finds that the public will be protected from this danger by the imposition of restrictions requiring businesses that load and unload eight or more passengers within the Village to load and unload all passengers in an off-street parking area;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

Section 1. Permit Required

An owner, employee, or agent of a business that loads or unloads eight or more passengers from a vehicle within the Village must have a permit from the Village and must load and unload passengers in accordance with the permit at all times. Such a permit shall be issued to a business upon: (a) a showing that it has an adequate off-street parking area in which to load and unload passengers and (b) an affirmation that the business and all employees and agents acting on its behalf will use an off-street parking area to load and unload passengers at all times. The validity of each permit shall be subject to the conditions of the permit, which shall include a requirement that the business, and all owners, employees and agents acting on its behalf, load and unload passengers in an off-street parking area at all times within the Village.

Section 2. Penalty.

A person who violates Section 1 of this Ordinance by failing to obtain a permit as required or failing to load or unload passengers in an off-street parking area pursuant to the terms of a permit required by this ordinance commits a Class C misdemeanor. A violation of this Ordinance is punishable by a fine of up to \$500.00.

Section 3. Publication.

A caption that summarizes the purpose of this ordinance and the penalties for violating this ordinance shall be published as provided by Tex. Loc. Gov't Code § 52.012.

Section 4. Effective Date.

This ordinance shall take effect after publication in compliance with Section 3 of this Ordinance and as provided by law.

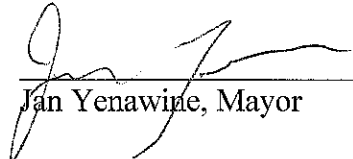
Section 5. Severability.

If any provision of this ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this ordinance, and all other provisions hereof shall remain in full force and effect.

Section 6. Public Notice and Meeting.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this, the 21st day of APRIL 2009, by a vote of the Volente Village Council of 4 in favor to 0 opposed, with 0 abstentions.



Jan Yenawine, Mayor

ATTEST:



Jennifer Zuwall, Village Secretary